

Office of Inspector General, HUD

§ 2004.7

any information or produce any material acquired as a part of the performance of official duties or because of official status.

(c) With regard to a request for testimony of a present or former OIG employee as an expert or opinion witness, the employee may not be called to testify as an expert or opinion witness by any party other than the United States.

[57 FR 2228, Jan. 21, 1992]

§ 2004.5 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Office of Inspector General for the production of material or the disclosure of information described in § 2004.1, he or she shall notify immediately the Inspector General and the Office of General Counsel. If possible, the Inspector General shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If oral testimony is sought by the demand, the party seeking testimony, or his or her attorney, must furnish to the Inspector General an affidavit, or if that is not feasible, a statement setting forth a summary of the testimony desired.

(c) If response to the demand is required before the instructions from the Inspector General are received, the

United States Attorney, or such other attorney as may be designated for the purpose, will appear with the individual upon whom the demand has been made. The attorney will furnish the court or other authority with a copy of the regulations contained in this part and will inform the court or other authority that the demand has been or is being, as the case may be, referred for the prompt consideration of the Inspector General. The court or other authority shall be respectfully requested to stay the demand pending receipt of the requested instructions from the Inspector General.

[49 FR 11168, Mar. 26, 1984]

§ 2004.7 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request by the Inspector General made in accordance with § 2004.5(c), or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the Inspector General not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand *United States ex rel. Touhy v. Ragen*, 340 U.S. 462).

[49 FR 11168, Mar. 26, 1984, as amended at 57 FR 2229, Jan. 21, 1992]